

7 FAM 240

IDENTIFICATION OF REMAINS

(CT:CON-407; 06-29-2012)

(Office of Origin: CA/OCS/L)

7 FAM 241 SUMMARY

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- a. **Role of Host Country Medical Professionals:** Positive identification of human remains and determination of a cause of death is generally the role of the host country authorities. Coroners, medical examiners, pathologists and toxicologists and other professionals may be involved in this work. **You should be aware of who is responsible for these duties in your consular district.**
- b. **Role of the Consular Officer in Identification of Remains:** The consular officer is responsible for determining that the local authorities have fulfilled their obligation for proper identification of the remains. **The Department does not expect consular officers in each case to view the remains to ensure that a proper identification has been made.** Personal viewing by the consular officer, when no relatives, next of kin (NOK) or friends are present, will enhance the officer's role as an involved and concerned public servant working on behalf of the bereaved family. Normally, the consular officer's responsibility in this matter can be fulfilled by ascertaining that the appropriate local authorities took reasonable steps to identify the remains. The local medical authorities will determine the identity of the deceased and the cause of death, including whether the person died of a communicable disease. The local funeral director will attest to the fact that the hermetically sealed coffin or the urn contains human remains or ashes of the named individual. (See 7 FAM 250 disposition of remains).
- c. **Visual Recognition:** Identification of the remains can be made by one of several means. For instance, the local authorities may make a visual comparison of the remains and the U.S. passport photo, and/or family members or friends may view the remains and certify the identity of the deceased. **Families should be briefed regarding the condition of the remains before being asked to identify the remains visually. Families may wish to select one family member to view the remains, or a family friend, legal representative, physician or funeral director. See 7 FAM 250 for guidance to U.S. funeral directors and next-of-kin regarding viewing remains shipped to**

the United States. This would also apply to viewing photographs of remains.

- d. **Contacting Family Members to Facilitate Visual Identification:** Local authorities or NOK may request the consular officer to view the remains and documents in their possession before they certify the identity of the deceased, or to provide contact information about the NOK to be used by the local authorities in the identification process. In such cases, the consular officer should comply to the extent possible with the requirements of the local authorities, while respecting the privacy of the next-of-kin. CA/OCS/ACS is available to assist you in locating NOK and other family members. *CA/OCS/L* is available to assist you with Privacy Act questions. (See 7 FAM 060).
- e. **Forensic Identification of Decomposed or Disfigured Remains:** If the remains are decomposed or disfigured or visual comparison of the remains and documents is not adequate for proper identification, further identifiers such as fingerprint records and/or dental records or DNA (Deoxyribonucleic acid) testing may be necessary to establish identity. When this is necessary, posts should notify CA/OCS/ACS for further guidance and assistance. (See 7 FAM 243 for further guidance regarding forensic identification of remains).
- f. **Local Law Prescribes Disposition of Remains before Positive Identification is Made:** If local laws prescribe disposition of the remains before identification is completed, the consular officer should attempt to ensure that both fingerprints and dental imprints are obtained first by local authorities. Be aware that the U.S. Government has no funds to pay for those procedures. If local authorities refuse to take such actions, the consular officer should immediately notify the CA/OCS for guidance.
- g. **Disasters and Other Critical Incidents:** 7 FAM 1870 provides guidance regarding U.S. citizen fatalities in disasters and 7 FAM 1830 regarding coordination with NTSB and airlines regarding deaths in aviation disasters. 7 FAM 1820 provides guidance regarding identification of remains of U.S. citizens killed in hostage taking/kidnapping incidents.

7 FAM 242 AUTOPSIES

(CT:CON-153; 01-11-2007)

- a. You should advise CA/OCS/ACS whether an autopsy has been or will be performed. Next-of-Kin should be briefed on why the autopsy is necessary under local or U.S. law and whether consent, or payment by the NOK for costs associated with the autopsy, is required to proceed. Families may be very sensitive about this subject. Your discussions with

family members should be respectful of the family's sensitivity. Autopsy standards and results vary widely depending on local practices and capabilities. Families should be forewarned of local deviations from what they might expect in the United States – lengthy delays in obtaining autopsy reports, limited or unclear reports, etc. You should also convey the religious or ethical concerns of the family about autopsies to local authorities. It may be possible for local authorities to make a determination as to the cause of death without a full forensic autopsy. If an autopsy is to be performed in the United States, the remains should be transported **unembalmed. 7 FAM 250 provides guidance reporting transporting unembalmed remains to the United States.**

- b. **Terrorism and Federal Crimes for Acts Against U.S. Citizens Abroad: Autopsy of Unembalmed Remains by U.S. Armed Forces Medical Examiner:**
- (1) 10 U.S.C. 1471(b)(3)(C), authorizes the Armed Forces Medical Examiner to conduct an autopsy in any authorized investigation being conducted by the Federal Bureau of Investigation (FBI) at the request of the FBI and at no cost.
 - (2) 18 U.S.C. 2332 and 18 U.S.C. 2332b of the terrorism statutes relates to criminal penalties for killing or attempting to kill a national of the United States while that national is outside the United States.
 - (3) 7 FAM 1829 e provides guidance regarding of the death of a U.S. citizen hostage or kidnap victim.
 - (4) 7 FAM 1800 Appendix A Managing Stress and the Consular Crisis Worker.
- c. **Forensic and Medical Autopsies:** Depending upon the specific purpose for which the autopsy is being performed – to make a legal and/or medical determination as to the cause and /or manner of death; to identify the decedent; or to allay concerns of survivors; the pathologists and other personnel concerned may refer to it as a forensic autopsy or a hospital autopsy.
- (1) A **forensic autopsy** is a postmortem done to determine the time of death, the cause of death, the manner of death, the sequence and significance of injuries, and, perhaps, the identity of the decedent. It may well be the source of evidentiary materials. The forensic autopsy is a very thorough external and internal examination, and it may include the microscopic examination of tissue and organs, and the toxicological examination of tissues and body fluids.
 - (2) A **hospital autopsy**, sometimes also called a **medical autopsy**, is typically performed to determine only the cause of death. It may be limited in scope.

d. **Consent:** In general, forensic autopsies are often required, i.e., directed by competent authority, without the permission of the decedent's NOK. Hospital autopsies are typically consensual; that is, requested by the NOK or performed with his/her permission. The laws of the host country may vary regarding the question of consent.

e. **Information for Families About Autopsies:**

NOTE: The following material may be helpful in explaining autopsy procedures to families:

FBI

FBI Information for Families About Autopsies

College of American Pathologists

Autopsies Aiding the Living by Understanding Death

Sample Autopsy Consent and Authorization Form

7 FAM 243 FORENSIC IDENTIFICATION OF REMAINS

(CT:CON-153; 01-11-2007)

- a. CA/OCS has developed a network of federal, state and university contacts in the field of forensic identification of remains that provide guidance and assistance with questions concerning forensic identification of remains.
- b. **Forensic anthropology** is primarily a specialty within physical anthropology, the branch of anthropology that contributes the techniques that make it possible to identify the person to whom specific remains belong. Physical anthropologists and archaeologists are also essential to the work of identifying long buried remains. Archaeological techniques are required to "recover evidence" (that is to say, to exhume bodies), but unlike traditional archaeologists and physical anthropologists, forensic anthropologists depend on information about the bodily histories of the individuals whose remains they disinter. CA/OCS has enlisted the help of these specialized professionals in the identification of private U.S. citizens whose badly decomposed remains, often long-buried, were located in foreign countries in the Americas, Africa and Central Europe.

See:

- International Committee of the Red Cross – The Missing – Human Remains
- A History of Smithsonian–FBI Collaboration in Forensic Anthropology, Especially in Regard to Facial Imagery

- d. **Mitochondrial DNA sequence analysis of human skeletal remains:** One of CA/OCS/ACS's ongoing responsibilities is coordination with families of civilians missing from the Vietnam War. We work closely with the Armed Forces Institute of Pathology in obtaining mitochondrial DNA samples from surviving family members to be used in future DNA sequence analysis of human skeletal remains located in South East Asia.

See:

- Journal of Forensic Science identification of remains from the Vietnam War.

- e. **Criminal Forensic DNA Identification of Remains:** If the host country determines that criminal forensic DNA identification of remains is necessary, Armed Forces Institute of Pathology directed CA/OCS to a list of American Society of Crime Laboratory Directors (ASCLD) accredited laboratories in the United States accredited by the American Society of Crime Laboratory Directors – Laboratory Accreditation Board (ASCLD-LAB). The American Academy of Forensic Sciences can provide additional sources.

See:

- American Society of Crime Laboratory Directors – Laboratory Accreditation Board (ASCLD)
- List of ASCLD accredited laboratories

- f. **Disasters and Identification of Remains:** Experts recover all remains possible, from a full body to the smallest piece. When a body is severely damaged, experts can use dental and x-ray records, personal effects (clothing); physical anomalies; identifying characteristics (facial hair, tattoos, scars, etc.); fingerprints, and DNA.

NOTE: In the 2005 South Asian Tsunami there were 33 U.S. citizen fatalities, 32 confirmed deaths and 1 presumed. Of the confirmed dead, 24 were in Thailand and 8 in Sri Lanka. The 1 presumed dead was in Sri Lanka. All of the U.S. citizens who died in Sri Lanka were visually identified, as the circumstances allowed them to be identified virtually immediately by persons who knew them. In Thailand, most of the identifications were made through dental records, occasionally in combination with fingerprints, and/or physical identifiers (such as jewelry), and/or DNA. Among the 24 deceased in Thailand, six were children: three were visually identified within days by family members; a 14-yr-old was identified through dental records; his 12-yr-old brother through dental combined with DNA; and then a six-day-old baby was identified through DNA 10 months after the Tsunami.

g. 7 FAM 1800 provides further guidance about consular crisis management.

See ...

New York ...

- September 11, 2001 – How DNA Can Help Identify Individuals

London Bombings

- Report of the 7 July Review Committee
- Dealing With Fatalities in Emergencies
- Humanitarian Assistance in Emergencies: Guidance on Establishing Family Assistance Centres

Department of Justice

- Understanding DNA Evidence : A Guide for Victim Service Providers
- Providing Relief to Families After a Mass Fatality: Roles of the Medical Examiner’s Office and Family Assistance Center
- Identifying Victims Using DNA: A Guide for Families

Interpol

- Disaster Victim Identification

Pan American Health Organization

- Infectious Disease Risks from Dead Bodies Following Natural Disasters
- Disaster Myths That Won’t Die
- Managing Dead Bodies After Disasters: A Field Manual For First Responders
- Managing Dead Bodies in Disaster Situations

NTSB

- Major Team Investigations Appendix G On-Site Safety
- Federal Family Assistance Plan for Aviation Disasters

Other

- Presidential Task Force On Aviation Disasters Appendix A, Recommendation 4, Recommendations on uniform guidelines for medical examiners and coroners on the identification of the remains of victims
- After the Tsunami: Legal Implications of Mass Burials of Unidentified Victims in Sri Lanka

7 FAM 244 THROUGH 249 UNASSIGNED